

\$400.00

LFR

(1)

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FILED

MAR 28 2014

GLEN GUY

2542 No. Colorado Street
Philadelphia, PA 19132

MICHAEL E. KUNZ, Clerk
By: [Signature] Dep. Clerk

Plaintiffs

14 1867

-v-

Civ. Action No. _____

UNITED STATES POSTAL SERVICE,

2601 North 16th Street
Philadelphia, PA 19132

JURY DEMAND

Defendant

COMPLAINT

Plaintiff **GLEN GUY**, by and through his attorney, Adrian J. Moody, Esquire, claims of Defendant damages of One Hundred Fifty Thousand Dollars (\$150,000.00) upon causes of action whereof the following is a statement:

**COMPLAINT
JURISDICTION and VENUE**

1. Plaintiff brings this action under the Federal Tort Claims Act, 28 U. S. C. Chapter 171, §2674. Jurisdiction is invoked pursuant to 28 U. S. C. §1346.
2. Venue is proper in this judicial district pursuant to 28 U. S. C. §1391(b) inasmuch as Plaintiff's causes of action arose in the Eastern District of Pennsylvania, and all the Defendants are found in the Eastern District of Pennsylvania.
3. An administrative claim was filed on the Plaintiff's behalf with the United States Postal Service on March 20, 2013, but said Postal Service did not make a final disposition of that claim within six months of that date, or by September 20, 2013, and such failure to make a final disposition within six months of March 20, 2013 may be regarded as a final disposition of the claim for purposes of 28 U. S. C.

§2675.

PARTIES

4. The Plaintiff is Glen Guy, an adult male who resides at 2542 No. Colorado Street in the city and county of Philadelphia, Commonwealth of Pennsylvania, 19132.
5. The Defendant is The United States Postal Service (hereinafter "Postal Service"), an agency of the United States government, having a local office at 2601 N 16th St, Philadelphia, PA 19132.
6. At all times relevant hereto, Defendant Postal Service maintained for the convenience of patrons who did not wish to enter the post office itself a mailbox outside the post office. Patrons seeking to use the outside mailbox were required to negotiate a set of three steps to reach the mailbox.
7. At all times relevant hereto, Defendant Postal Service owed the Plaintiff a duty of care and obligation to maintain its property, including the area surrounding its outside post office mailboxes and the steps leading to the mailbox, in a safe condition so as to preclude them from posing an unreasonable risk of danger to the Plaintiff.
8. On or about February 9, 2013, Defendant Postal Service breached that duty by failing to maintain the area surrounding its outside mailboxes in a safe condition, and allowing to accumulate on the steps leading to its mailboxes ice and other slippery substances that posed an unreasonable danger and threat to the Plaintiff.
9. On or about February 9, 2013, while walking down the steps to the Defendant's mailboxes, Plaintiff Guy slipped on the ice and/or other slippery substance and

fell backward to the ground, and was severely injured thereby and rendered unconscious for almost a minute.

10. More specifically, as a direct and proximate result of slipping and falling as described above, Plaintiff Guy suffered a right-sided pneumothorax and rib fractures, and was forced to incur medical debts for the treatment of his injuries.
11. After being taken by emergency paramedics to the Temple University Hospital, Plaintiff Guy had to have inserted a chest tube in his right side.
12. Plaintiff Guy would not have been injured but for Defendant Postal Service's breach of its duty of care to the Plaintiff as described herein.
13. Therefore, as a direct and proximate result of Defendant Postal Service's breach of its duty of care as described herein, Plaintiff Guy was injured as described herein.
14. As a further direct and proximate result of Defendant Postal Service's breach of its duty of care as described herein, Plaintiff Guy suffered extreme physical and mental pain and discomfort, and was forced to incur medical expenses in being treated for his injuries.

COUNT I

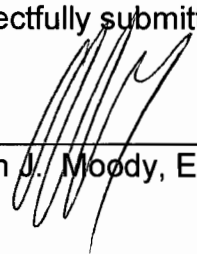
**Plaintiff Glen Guy v. Defendant United States Postal Service
(Negligence)**

15. Plaintiff here incorporates by reference the allegations in all the preceding paragraphs as if the same were re-alleged here in their entirety.
16. Defendant Postal Service owed Plaintiff Guy a duty of care as described herein.
17. Defendant Postal Service breached that duty of care as described herein.
18. As a direct and proximate result of that breach of duty, Plaintiff Guy was injured

and damaged as described herein.

WHEREFORE, Plaintiff Guy demands judgment in his favor and against Defendant Postal Service of One Hundred Fifty Thousand Dollars (\$150,000.00).

Respectfully submitted,



Adrian J. Moody, Esquire